

AFFIDAVIT OF GARY S. MAYERSON IN SUPPORT OF
MOTION FOR ATTORNEYS' FEES

STATE OF NEW YORK }
 } ss.
COUNTY OF NEW YORK }

GARY S. MAYERSON, being duly sworn, deposes and says:

1. I have been a member of the Bar of this Court since May of 1980 and respectfully submit this affidavit in support of Andrew Cuddy, Esq.'s fee application seeking a \$475 rate factor for his time in an IDEA-based appeal.

2. I have annexed a copy of my curriculum vitae to reflect my own work and experience representing children with autism and other related developmental disabilities and my role as the founder of Mayerson & Associates, now a seven-attorney law firm with its offices in Manhattan.


3. While we of course help our fair share of *pro bono* clients who are represented on a contingency basis, most of our clients are "paying" clients. Since June of 2011, all of our paying clients have expressly agreed in our standard form of client engagement letter to pay for my time at \$650 per hour. By way of comparison, my law partner Tracey Spencer Walsh, a 1994 Fordham Law School graduate, is billed out to our paying clients at \$500/hr.

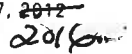
4. I have known Mr. Cuddy for years and he enjoys an excellent reputation within the special education bar for his equally excellent work at the administrative and federal levels.

5. Given Mr. Cuddy's experience and reputation, he warrants the \$475/hr. rate factor that he seeks.

Sworn to before me this
27th day of February, 2013


Notary Public


Gary S. Mayerson (GM 8413)

TRACEY SPENCER WALSH
NOTARY PUBLIC-STATE OF NEW YORK
No. 02WA6196436
Qualified in Westchester County
My Commission Expires November 17, 2012


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- Current Position:** Founder of Manhattan law firm (Mayerson & Associates) concentrating almost exclusively in advocating for children and adolescents diagnosed with autism spectrum disorders and related developmental disabilities in matters arising under the IDEIA, Section 504 of the Rehabilitation Act, and related civil rights statutes. Mayerson & Associates currently consists of five attorneys, three paralegals and additional support staff. The firm has assisted hundreds of families in more than 30 states, including Alaska, and was responsible for the first “autism” case to reach the Supreme Court, as well as the landmark federal court decision regarding “bullying,” *T.K. v. New York City Dep’t of Educ.*
- Education:** **Georgetown University Law Center** (J.D. 1979)
Honors: American Criminal Law Review (Administrative Editor)

S.I. Newhouse School of Public Communications at Syracuse University (B.A. *cum laude* 1975)
- Additional Postgraduate Work:** “Autism and Pervasive Developmental Disorders” (provided through **Yale University School of Medicine, Office of Postgraduate and Continuing Medical Education**.*)
- Books and Other Publications:** Contributing Author, “Autism and the Law,” tentative title of book chapter to be included in the upcoming Fourth Edition of the seminal work, **Handbook of Autism and Pervasive Development Disorders** (2012, John Wiley and Sons)(edited by Fred Volkmar, M.D., Donald Cohen, M.D., and Sally Rogers, Ph.D.)

Contributing Author, “Auditory Processing Disorders: Assessment, Management and Treatment By Donna Geffner Ph.D. and Deborah Ross-Swain Ph.D. – Second Edition” (Legal Considerations Chapter)

“How to Kick Bullying to the Curb,” (Article appearing in December 2011 *Building Blocks Magazine*)

“Cutting through Irrational Fiscal Fear And Administrative Paralysis To Secure Appropriate And Effective Autism Programs” (Summer 2009, Autism Spectrum News)

* I have attended numerous other seminars, lectures and conferences at Mt. Sinai Hospital, Yale, Rutgers, and other sites. I also have attended didactic training in Applied Behavior Analysis given by the Alpine Learning Group.

Author, *How To Compromise With Your School District Without Compromising Your Child—A Field Guide for Getting Effective Services For Children With Special Needs* (DRL Books August, 2004)

Foreword, *Science for Sale in The Autism Wars* (SKF Books 2004)

“How To Try An Autism Case,” New Jersey Lawyer Magazine (June, 2003, No. 222)

“Notes From The Front—The Current Wave in ABA Litigation” (book chapter appearing in Lovaas, *Teaching Individuals With Developmental Delays* (Pro-Ed 2003)

“Should I Ever Waive My Child’s Valuable Pendency Rights To Secure A Settlement?” (published in June, 2002, COSAC Update Magazine)

“The Legal Relevance of a Child’s Potential” (published in December, 2001, COSAC Update Magazine)

“Prosecutorial Misconduct” (published in Summer 1978, 16 American Criminal Law Review 83).

Awards:

2012 Honoree, McCarton Foundation’s Eleventh Annual Celebration of Learning (NYC) (May 14, 2012)

2008 PILA Award (CUNY School of Law Annual Public Interest Award)

2006 Chariot Award--ELIJA Foundation (for extraordinary service to the autism community)

2006 Citation--New York State Assembly (for exemplary service in representing children with disabilities)

2006 Citation--Nassau County Executive (recognition for humanitarian work)

2005 Autism Advocacy Award Presented by FAAP and Eden II and Genesis Programs (presented June 16, 2005 at Brooklyn Bridge Marriot)

2003 Angel of Autism Award (presented by S.A.F.E. in Wilkes-Barre)

Interviews:

2012 National Journal podcast interview - (regarding autism and national policy)
[feed://nationaljournalpodcast.libsyn.com/rss](http://nationaljournalpodcast.libsyn.com/rss)

Dan Rather Interview for HDNET. (May, 2012) (to be aired Fall of 2012)

CNN Headline News Interview (Nancy Grace—December 18, 2008)
(regarding autism insurance reform)

Today Show Interview as part of week-long NBC Special entitled
“Autism – The Silent Epidemic” (Katie Couric – February 24, 2005)

October 19 and 25 CLE Presentation, 2011 Special Education Law Update
(Bullying of Students with Disabilities and FAPE Deprivation”)

Presentations: March 9, 2012, CLE presentation: “Bullying as a FAPE Deprivation,” 14th
Annual Conference of Council of Parent Advocates and Attorneys (Miami
Hilton Hotel)

January 26, 2012, Presenter and Moderator, The Meeting House Winter
Symposium (at Lincoln Center)

October 26, 2011, CLE presentation, 2011 Special Education Law Update
(“Bullying of Students With Disabilities and FAPE Deprivation”) (NYC)

March 22, 2011 Presentation, “Autism and the Law”
(St. John’s University Alumni Insider Series)

October 25, 2009 Presentation, “Educational Entitlements and
Accommodations--What Are My Rights?” (NYU Langone Medical Center
FACES Conference)

April 28, 2009 Featured Presenter, New York University Panel on Special
Education Issues

March 8, 2009 Featured Presenter, WNET/WLIW Public Television
“Celebration of Learning” Annual Conference in NYC

November 16, 2007 CLE Presentation, “Special Education Law Update”
(New York State Bar Association)

September 2007 Panelist, Special Education Panel (JCC of Manhattan)

April, 2006 COPAA Keynote Speaker,--Council of Parent Advocates and
Attorneys--(Phoenix, Arizona)

July, 2005 Presentation, Twelfth Annual Education Law Conference, Law
and Education: Crucial Issues 2005 (University of Southern Maine)

October, 2004 Presentation, “How To Compromise With Your School District Without Compromising Your Child” (Rutgers University)

September, 2004 Presentation, “How To Compromise With Your School District Without Compromising Your Child,” (ELIJA Foundation, Long Island)

July, 2004 Presentations, Eleventh Annual Education Law Conference, Law and Education: Crucial Issues 2004 (University of Southern Maine)

June, 2004 Presentations, National Academy for IDEA Administrative Law Judges and Impartial Hearing Officers (concerning evaluation of expert testimony and assessing “autism” cases) (Seattle University School of Law)

May, 2003 Presentation, “The Legal Aspects of Supported Inclusion,” Autism 2003 Conference held in Atlantic City, New Jersey (sponsored by COSAC)

April, 2003 Presentation, “How To Compromise With Your School District Without Compromising Your Child,” Angel of Autism Conference in Wilkes-Barre, Pa.(sponsored by S.A.F.E.)

May, 2002 Presentation, “How To Compromise With Your School District Without Compromising Your Child,” Autism 2002 Conference held in Atlantic City, New Jersey (sponsored by COSAC).

April, 2002 Keynote Presentation, National Autism Symposium in Kansas City, MO. (sponsored by the Missouri Department of Health)

April, 2002 Presentation, “How To Compromise With Your School District Without Compromising Your Child,” Autism 2002 (sponsored by POAC and Georgian State College)

March, 2002 Presentation, “Education Law and the Child With Brain Injury” (jointly sponsored by Mt. Sinai Hospital and the Traumatic Brain Injury Association)

November, 2001 Workshop, “How To Compromise With Your School District Without Compromising Your Child,” (conference in White Plains, N.Y. sponsored by the National Alliance for Autism Research and FECA)

March 26, 2001 Presentation, “Applied Behavior Analysis and Autism” (PLI Education Law Institute)

February 29, 2001 Invited Testimony, “Special Education: Is IDEA Working As Congress Intended?” (United States House of Representatives Committee on Government Reform, 107th Congress, First Session)

October, 2000 Presentation, “Navigating The Hurdles of Due Process” (sponsored by the JCC on the Palisades, Bergen County, New Jersey)

June, 2000 Presentation, “Parent Support and Advocacy,” (Intensive Behavioral Conference 2000)

February, 2000 Workshop, Autism Foundation of New York.

May, 1999 Presentation, “Parent Support and Advocacy. (sponsored by Lovaas Institute for Early Intervention in Dallas, Texas)

April, 1999 After-Dinner Presentation, “The Lighter Side Of Advocating For Your Child,” (sponsored by Dr. Andrew Bondy and Dr. O. Ivar Lovaas—Chicago, Illinois)

January, 1999 Presentation, “How To Be An Affective Advocate For Your Child,” Innovative And Effective Interventions For Autism (sponsored by FEAT of Oregon)

September, 1998 Featured Presentation, Connecticut Families for Effective Autism Treatment (Hartford, Connecticut)

Spring, 1998 Presentation, “Autism, Applied Behavior Analysis and The Law” (presented to graduate students at Columbia University, Hunter College and New York University)

Panels and Boards: 2007--Democratic Judicial Screening Panel,
Ninth Judicial District (New York County)

2007-Present, Board of Advisors, New England Center for Children (NECC) (Southborough, Massachusetts)

2006-Present, Board Member, Autism Speaks

2006-Present, Director: Autism Speaks Federal Legal Appeals Project (national *pro bono* federal appeal initiative)